

REMARKS

Claims 23-44 are pending in the application. Claims 29-39 and 44 are withdrawn from consideration. Claims 23-28 and 40-43 are rejected.

Relevant History of Current Prosecution

The present application is subject to a final rejection dated May 19, 2009. Applicants responded to the final rejection and amended the specification and claims 23-44 in a paper filed on August 19, 2009.

In an Advisory Action dated August 25, 2009, the Examiner entered the amendment but identified additional issues that were asserted to prevent the amended claims from being allowed. Applicants responded to each of the Examiner's points in a supplemental submission on September 18, 2009. Applicants clearly demonstrated that the specification meets all of the requirements of Section 112 and further demonstrated that the claims are in condition for allowance.

The Examiner responded in an Advisory Action dated October 26, 2009 that the claims were not allowable and stated that "in order to accelerate the prosecution of the case the Applicants should amend the claims in the same manner as the claims in the co-pending application 10/517,665. If the claims will be amended in the same manner, the case will be placed into the status for allowance after filing after-final amendment, which will be faster than withdrawing finality and issuing another non-final rejection."

Applicants appreciate the Examiner's suggestion, but respectfully note that all the rejections or objections raised in the Advisory Action dated August 25, 2009 have been overcome by the amendment entered already by the Examiner, and thus there are no outstanding rejections or objections. In the present RCE, Applicants are reaffirming the entry of the previous amendment. Thus, there is no need for the claims to be like those of the copending application, as this invention is different from that of the other application and the previous rejections have been overcome.

Moreover, accelerating or deaccelerating of the prosecution of the present application is not a basis for any kind of rejection or objection. Applicants asserted that the finality of the previous rejection was in error because new rejections were raised for the first time in the final rejection. Since the Examiner has entered those amendments, which overcame the stated final rejections, there is no further identified basis for rejection. Thus the Examiner should now either (1) allow the application with claims that are not subject to rejection or objection or (2) show reasons why the Examiner continues to reject this application. In the absence of any stated basis for rejection, the applicant need not amend the claims as the Examiner suggested because the reason of the rejections is not clear and Applicants have no idea why the Examiner persists in extending the prosecution in this case unnecessarily. All requirements for allowance of the claims have been met.

Next Office Action

Hopefully the Examiner will agree and will allow the application. If the Examiner persists in rejecting the claims, even though Applicant does not file an Amendment with this RCE submission, a first Office Action after the RCE should not be "final" because the rejections and objections have been overcome and the Examiner has not shown any reasons of rejections.

Accelerated Examination

In addition, regarding the recent docketing system change for RCE's, Applicant respectfully requests the Examiner to take up this application out of turn since this application is in condition for allowance as noted above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.114(c) Attorney Docket No.: Q87428
U.S. Application No.: 10/532,830

Respectfully submitted,

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